

## **Assembly Bill No. 947**

### **CHAPTER 377**

An act to amend Section 76141 of the Education Code, relating to nonresident tuition.

[Approved by Governor October 11, 2009. Filed with  
Secretary of State October 11, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 947, Brownley. Community colleges: nonresident tuition: foreign citizens.

Existing law requires a community college district to charge a nonresident tuition fee to nonresident students, with certain exceptions. Existing law requires the fee to be set according to a formula that, with other modifications, divides the expense of education in the district by the number of full-time equivalent students, as defined, attending in the district in the preceding fiscal year.

Existing law also authorizes a community college district to charge an additional fee in addition to the nonresident tuition fee to nonresident students who are both citizens and residents of a foreign county. The additional fee may be as high as the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding year, so long as the fee does not exceed 50% of the nonresident tuition fee.

This bill would instead authorize a community college district to charge the additional fee to any nonresident student by deleting the condition that the nonresident be a citizen and resident of a foreign country.

This bill would delete an obsolete reference.

*The people of the State of California do enact as follows:*

SECTION 1. Section 76141 of the Education Code is amended to read:

76141. (a) In addition to the nonresident tuition fee established pursuant to Section 76140, a community college district may charge to nonresident students an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year.

(b) Any fee charged pursuant to this section shall not exceed 50 percent of the nonresident tuition fee established pursuant to Section 76140.

(c) (1) Any student who can demonstrate economic hardship, or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident, is exempt from this fee.

(2) For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized by this section shall adopt a definition of economic hardship that encompasses the financial circumstances of a person who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Part A of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a general assistance program.

(d) Revenue from any fee charged pursuant to this section shall be expended only for purposes of capital outlay, maintenance, and equipment.